

REMARKS

A substitute specification is being submitted herewith together with a copy of the original marked-up specification showing the editorial changes made thereto. No new matter has been added.

Figs. 4 and 5 have been objected to by the Examiner as not containing a proper legend to indicate that Figs. 4 and 5 do not form part of the invention of the present application. As the Examiner will note, it is proposed to amend Figs. 4 and 5 to define these figures as being directed to conventional art as referred to on page 4 of the present application. Upon approval, Applicants will submit replacement sheets for Figs. 4 and 5 containing the Conventional Art legends.

Claim 2 has been rejected by the Examiner under 35 USC 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertain, or with which it is most nearly connected, to make and/or use the invention. The Examiner notes that it is not shown or described how the thresholds are formed to interact with the grooves so that they are assembled to and released in only one direction. This rejection is respectfully traversed.

The Examiner will note, Fig. 3 shows the engagement between the threshold 12 and the hook grooves 22. From Figs. 1 and 3 of the present application it can be readily understood that the hook grooves, in effect, define a slot which opens in one direction and thus the thresholds are adapted to enter the hook grooves in the one direction for engagement and removed from said hook grooves for disengagement. Thus, the thresholds interact with the grooves whereby they are both assembled and released in only one direction.

Claims 1 and 2 have been rejected by the Examiner under 35 USC 102(e) as being anticipated by Jang, Patent Publication No. US2003/0029471A1. This rejection is respectfully traversed.

The present invention is directed to a cosmetic case which is conveniently assembled and contains a cover which is detachable from the case. The cosmetic case includes a receptacle formed with thresholds on both sides of the upper portion inside the receptacle body, a cover connected to the top portion of the receptacle body having hook grooves which correspond to and engage with the thresholds and/or separate therefrom in only one direction and a sponge type cosmetic aid coupled directly to the cover.

One of the important distinguishing features of the cosmetic case of the present invention when compared to that of the reference patent is that in the Jang patent the brush 21 is a separate element from the top 15 and thus must be locked into position using ledge 24. In the present invention, the sponge-type flexible body 27 is integral with the cover such that when the cover is removed from the case body the flexible body 27 is removed with the cover. As recited on page 3, lines 10 to 14 of the present application, because the sponge type cosmetic aid is coupled directly to the cover, the user can hold the cover and conveniently apply make-up in a stable manner. Thus, since the cosmetic aid is directly coupled to the cover, the user can hold the cover and apply cosmetics to the face in a convenient, single-step application. In the case of the Jang patent, since the brush is a separable item from the cover, the application of the powder case of the referenced patent becomes much more complicated when compared to that of the present invention.

Claims 1 and 2 have been further rejected by the Examiner under 35 USC 102(b) as being anticipated by Fick, U.S. Patent 599,775. This rejection is respectfully traversed.

The Fick reference is directed to a “puff-box” for holding face powder with the puff being used to apply the face powder to the skin of the user. However, the puff box of the referenced patent does not utilize a cover which is formed with hook-engaging grooves which correspond to thresholds provided at the wall of the cover for achieving a simple engagement and disengagement of the cover from the cosmetic case body. In fact, the type of engagement utilized in the Fick patent is a screw-threaded arrangement between the puff box body and the cover so that the height of puff G can be adjusted to correspond with the amount of powder which is present in the case body. This is totally different from the manner in which the cover of the present invention is detachably connected to the case body which amounts to a simple locking mechanism in which the hook grooves are formed to define a slot which opens in only one direction to allow the thresholds 12 to be assembled with and released from the slot in said one direction. Thus, claims 1 and 2 cannot be possibly rejected under 35 USC 102(b).

Claims 1 and 2 have been further rejected by the Examiner under 35 USC 103(a) as being unpatentable over Fick in view of Stein, U.S. Patent 2,679,878. This rejection is respectfully traversed.

The Stein reference is not directed to a cosmetic case but rather to a garbage container. The Examiner appears to rely upon this reference only for the purpose of showing the connection between the cover 13 and the container, that is, elements 25 and 28 as shown in Fig. 1 of the reference patent. In applying a rejection under 35 USC 103 based upon a combination of references, there must be some suggestion as to why one skilled in the art would be lead to

modify the teachings of one reference with teachings of a secondary reference. In the instant situation, since the Fick patent is directed to a puff box and the Stein patent is directed to a garbage container, it is believed that it can be effectively argued that one skilled in the art would not look to the garbage container technology to solve problems associated with cosmetic boxes. Accordingly, the only way in which the Fick patent can be combined with the Stein patent is by reconstructing the teachings of both of the references in view of the Applicant's own disclosure. The present invention has developed a cosmetic case in which a cosmetic aid (flexible body 27) is integrated with the cover by a ring type holder provided at the bottom portion of a fixing member and wherein hook grooves are formed to define a slot in only one direction to allow thresholds to be assembled with and released from the slot in a single direction to remove and/or secure the cover 20 to the case body 15. The Examiner can only arrive at the Applicant's inventive contribution by dissecting bits and pieces from the various references relied upon in the Office Action letter and combining these bits and pieces to reject the claims of the present application.

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of the claims of the present application are respectfully requested.

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Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

Figs. 4 and 5 are being amended as shown in Red ink to insert the legend “Conventional Art.”